

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA

v.

BOBBY LEON SMITH

CAUSE NO.: 2:19-CR-42-TLS-JEM

ORDER ACCEPTING FINDINGS AND RECOMMENDATION

This matter is before the Court on the Findings and Recommendation of the United States Magistrate Judge Upon a Plea of Guilty [ECF No. 49], filed on August 14, 2020. The Defendant has waived objection to the Findings and Recommendation.

The Court finds that the change of plea conducted by video teleconference complies with Section 15002(b)(2)(A) of the CARES Act. First, General Orders 2020-08 and 2020-20 authorized video conferencing for felony pleas under Federal Rule of Criminal Procedure 11, finding that such hearings cannot be conducted in person without seriously jeopardizing public health and safety as a result of the current COVID-19 pandemic.

Second, the Court finds that the Defendant's felony plea in this case cannot be delayed without serious harm to the interests of justice due to the Defendant's desire to admit his guilt, plead guilty, and proceed to sentencing in a timely manner and the government and public interest in timely processing criminal matters.

Finally, the Defendant consented to video teleconferencing after consultation with counsel. *See* CARES ACT § 15002(b)(4). Prior to the August 14, 2020 Change of Plea Hearing, the Defendant submitted a Consent to Appear by Video Teleconference [ECF No. 46], in which he provided his consent for court proceedings to be conducted by video teleconference and indicated that his consent was provided freely and voluntarily and that no threats or promises

were made to compel him to sign the form. Additionally, the Defendant orally consented to the video hearing and waived his right to appear in person during the Change of Plea Hearing.

Change of Plea Hearing (August 14, 2020 10:18 AM), ECF No. 48.

The Court being duly advised, ADOPTS the Findings and Recommendation of the United States Magistrate Judge Upon a Plea of Guilty [ECF No. 49] in its entirety and ACCEPTS the recommended disposition. Subject to this Court's consideration of the Plea Agreement pursuant to Federal Rule of Criminal Procedure 11(c), if applicable and necessary, the plea of guilty to the offense charged in Count 1 of the Superseding Indictment is hereby ACCEPTED, and the Defendant is adjudged GUILTY of the offense.

The Sentencing Scheduling Order scheduling sentencing-related deadlines and hearings will be issued by separate order.

SO ORDERED on September 17, 2020.

s/ Theresa L. Springmann
JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT